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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,076	02/28/2002	Kazuo Kuroda	B-4520 619566-7	1972
36716 7590 12/12/2008 LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679				
EXAMINER DURAN, ARTHUR D				
ART UNIT		PAPER NUMBER		
3622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/087,076	KURODA, KAZUO	
	Examiner	Art Unit	
	Arthur Duran	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 8 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 8 and 38-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

Status of the Claims

1. Claims 1, 3, 8, and 38-44 are examined.

Response to Amendment

The Amendment filed on 10/24/08 is sufficient to overcome the prior rejection. However, a new reference has been added to the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 8, and 38-39, 40, 42, 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botelho et al. (US 2002/0069105 A1 hereinafter "Botelho") in view of Mai (20020049635). Botelho teaches an advertisement processing and targeting system.

2. Regarding claim 1, Botelho teaches of a system consisting of a registration device (Detailed Description, [0050]-[0053]; Fig. 5, 180, 182); advertisement acceptance device (Detailed Description, [0051]-[0053]; Fig 5A, 184, 188, 190); ranking device (Detailed Description, [0061]); output device (Detailed Description, [0028]-[0031]; Fig. 1, 58); and an output module consisting of a transmitting medium (Summary of the Invention; Fig. 2), obtaining and display device (Summary of the Invention; Fig. 2).

Additionally, Botelho discloses registering advertisements (Fig. 5; Fig. 6) that are going to be transmitted (Fig. 2; Fig. 3).

And, Botelho clearly discloses ranking the advertisements:

"[0061] . . . By highest priority, it is meant that the index file orders the advertisements so that advertisements with the highest priority are listed first in the index file and, therefore, are served first. The advertisements for a category/subcategory are served in the order listed in the index file. Accordingly, if advertiser A has purchased 100,000 impressions, advertiser B has purchased 80,000 impressions and advertiser C has purchased 50,000 impressions, advertiser A's ads would be placed at the top of the index file and be the first ads served. Advertiser B's ads would be "ranked" below that of advertiser A and advertiser C's ads would be ranked below that of advertisers B and C."

Notice in this citation that the advertisements are ranked.

Also, Botelho discloses outputting information (Fig. 6, Redirect URL) and also an outputting device (Fig. 2, Ad Database, Ad Server, Internet, Client; Fig. 11, item 298).

Also, Botelho further discloses displaying the ranking of ads based on the votes (Fig 4, "Ads that Suck"; [50, 69]; claims 28 and 55).

Also, Botelho teaches of a similar system of monitoring rank ([61]) and time ([43, 66]) and also of monitoring rank and time at the same time ([66]).

Additionally, in regards to the features added on 10/24/2008, the prior art renders obvious:

"an advertisement information accumulating device for storing the registered advertisement information for a predetermined period of time";

"a notice device configured to generate a removal notice when the rank of the advertisement information is under a predetermined rank and the advertisement information is stored for more than the predetermined period of time in the advertisement information accumulating device";

"a voting accepting device for processing a voting information provided by a user of the consumer terminal, wherein the interface portion transmits data based on the voting information to the distribution module for processing by the ranking device, wherein the rank of the registered advertisement information is based on the data transmitted by the interface portion";

"a ranking distribution device configured to provide said ranking information to said consumer terminal".

Botelho discloses that the user votes on ads and that a tally is kept of ad votes (Fig. 4, "Ads that Suck"; [50, 69] claims 28, 55).

Botelho discloses displaying tallies of votes to users (claims 28, 55; Fig. 4).

Botelho discloses ranking ads ([61]).

However, Botelho further discloses displaying the ranking of ads based on the votes (Fig 4, "Ads that Suck"; [50, 69]; claims 28 and 55).

Botelho does not explicitly disclose an advertisement information accumulating device for storing the registered advertisement information for a predetermined period of time; or, voting affects ad ranking; or, removing ads that are lowest ranked.

However, it is obvious that voting can affect ranking. Since Botelho already discloses ranking and Botelho also discloses keeping a tally of votes and providing vote information and displaying "Ads that Suck", it is obvious that Botelho can use the vote information to affect ranking. One would be motivated to do this because ads that are popular or "suck" is of interest to the user and advertisers.

Furthermore, Mai discloses storing the advertisement information for a period of time ([80, 40, 47]). And, Mai discloses ranking advertisements and also removing advertisements that fall below a certain rank ([76, 78, 79, 80]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Mai's ads with expiration periods and removing of the worst ads to Botelho's voting for ads, "ads that suck", and ranking of ads. One would have been motivated to do this in order to present the ads of most interest.

Furthermore, Botelho (Fig. 2) and Mai discloses communications between the advertiser and ad service manager and Mai further discloses reports ([23]), so it is obvious that notices can be sent to the advertiser in order to better keep the advertiser informed of their account and status.

3. Regarding claim 3, Botelho teaches of a vote accepting device (Summary of the Invention, [0011]; Detailed Description [0038]); vote outputting device (Detailed Description, [0032]-[0040], [0048]-[0052], [0067]-[0071], Fig. 2, 108; Fig. 10, 274, 276); a ranking device (Detailed Description, [0059]-[0063]; Fig 3.; Fig. 10) and a ranking distribution device (Summary of the Invention; Detailed Description, [0059]-[0063]; Fig 3.; Fig. 10).

Botelho further discloses displaying the ranking of ads based on the votes (Fig 4, "Ads that Suck"; [50, 69]; claims 28 and 55). Note that the current claim 3 only necessitates the displaying of the ranking list which is based on votes.

4. Regarding claim 8, Botelho teaches of a system whereby advertisers purchases advertisements that are displayed. (Detailed Description, [0035]-[0040], [0054]-[0062]; Fig. 5).

5. Regarding claims 38-39, Botelho teaches of dividing advertisements into tiers (Detailed Description, [0060]-[0063], update advertisements (Detailed Description, [0050]-[0053]; Fig. 5, 180, 182; Fig. 6; Fig. 7), and rank ads (Detailed Description, [0058]-[0065]; [0068]-[0072]).

Claim 40: Botelho discloses processing rank information ([61]).

Claim 41: Botelho discloses that new ad information and favorite ad information can be output (Fig 4, 'Advertisement', "Ads that Suck"; [50, 69]; claims 28 and 55). Note in Figure 4 that Botelho discloses an Advertisement and also lets users see vote tally results ("Ads that suck") at the same time. Botelho does not explicitly disclose that favorite ads can be displayed instead of ads that such. However, it is obvious that users could alternatively see ads that are good. One would be motivated to do this to better display tally information of interest to the user ([50, 69]; claims 28 and 55).

Claim 42: Botelhol disclose that the ad information can be in a plurality if languages ([40, 41, 51-53]).

Claim 43: Botelho discloses the above. Botelho discloses outputting a catalog of advertising information (Fig. 6).

Claim 44: Please see the rejection of claim 1 above.

Response to Arguments

6. Applicant's have been fully considered but they are moot in view of the new grounds of rejection. Please see the addition of the Mai reference to a 35 USC 103 rejection above. Also, Examiner notes the following.

On page 8 of the Applicant's Remarks dated 10/24/2008, Applicant states that the prior art does not disclose:

"an advertisement information accumulating device for storing the registered advertisement information for a predetermined period of time"; or,

"a notice device configured to generate a removal notice when the rank of the advertisement information is under a predetermined rank and the advertisement information is stored for more than the predetermined period of time in the advertisement information accumulating device".

On page 9, Applicant states that the prior art does not disclose:

"a voting accepting device for processing a voting information provided by a user of the consumer terminal, wherein the interface portion transmits data based on the voting information to the distribution module for processing by the ranking device, wherein the rank of the registered advertisement information is based on the data transmitted by the interface portion"

On page 10, Applicant states that the prior art does not disclose:

"a ranking distribution device configured to provide said ranking information to said consumer terminal".

Please see the rejection of the independent claim 1 above with the 35 USC 103 rejection utilizing Botelho and Mai to see how these features are rendered obvious.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- aa) Lesandrini (20050283395) discloses voting on ads (Fig. 9, 11; [483]) and that ads can be sorted or ranked by the votes or ranks ([472, 483];
- aaa) Iijima (20080134236) discloses many relevant features;
- a) Kim (20020052925) further discloses an ad catalog. Gerace (5,848,396) discloses monitoring time and rank (col 15, lines 10-45)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arthur Duran
Primary Examiner
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12/8/2008